

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERARDO TORRES and TAWNI
VANDAGRIFF, individually, and on
behalf of other members of the general
public similarly situated,

Plaintiffs,

v.

REXEL USA, INC., a Delaware
corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 1:20-cv-01697-ADA-BAM

ORDER VACATING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION FOR FAILURE TO
OBEY COURT ORDERS

(Doc. 42)

Plaintiffs Gerardo Torres and Tawni Vandagriff, individually and on behalf of a putative class, filed the instant wage-and-hour action in the Superior Court for the County of Stanislaus on October 29, 2020. (Docs. 1 and 1-2.) Defendant Rexel USA, Inc., removed the matter to this Court on December 2, 2020. (*Id.*) In July 2022, the parties reported that they had settled the matter in principle and intended to stipulate to remand this matter back to the Superior Court for the County of Stanislaus to seek approval of their class action settlement. (Doc. 38.)

On October 13, 2022, the Court issued findings and recommendations to dismiss this action based on the parties' repeated failures to obey court orders to file the necessary documents to conclude this matter. (Doc. 42.) The findings and recommendations were served on the parties and contained notice that any objections thereto should be filed within fourteen days following

1 service. (*Id.*)

2 On October 20, 2022, the parties filed a stipulation to remand this action to the Superior
3 Court of California for the County of Stanislaus. (Doc. 43.) The stipulation remains pending.
4 Thereafter, on October 27, 2022, Plaintiffs filed objections to the findings and recommendations.
5 (Doc. 44.)

6 Having considered the objections, and in light of the stipulation to remand filed by the
7 parties, the findings and recommendations issued on October 13, 2022, are HEREBY
8 VACATED. (Doc. 42.)

9
10 IT IS SO ORDERED.

11 Dated: October 28, 2022

/s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28